

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- July 19, 1972

Application No. 11101 David Tadde, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried the following Order of the Board was entered at the meeting of July 25, 1972.

EFFECTIVE DATE OF ORDER -- November 8, 1972

ORDERED:

That the appeal for variance from the use provisions of R-3 District to permit 7-unit apartment building at 3101 P Street, N. W., lot 42, Square 1270, be GRANTED.

FINDINGS OF FACT:

1. The subject property is located in an R-3 District.
2. The property is presently improved with an apartment building of seven units.
3. The 7-unit apartment building is an existing non-conforming use. Evidence was established that an occupancy permit was issued legalizing the use as a multi-dwelling or apartment building.
4. The appellant requests structural changes in order to rehabilitate the property in accordance with the practical use which necessitates the structural changes or additions of the proposed stairwell.
5. The non-conforming structure must rely on street parking.
6. At the public hearing there was no opposition registered as to the granting of this application.

November 8, 1972

OPINION:

The non-conforming use is residential in character and compatible with the surrounding area, although it has a R-3 use district. The Board, however, finds that the subject structure existed lawfully before the Zoning Regulations were adopted by the Zoning Commission, May 12, 1958 and therefore a denial of the applicant. We are therefore of the opinion that the subject application should be granted.


We are of the opinion that appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED

By: _____



GEORGE A. GROGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.